

Book Review: Human Dignity, Human Rights, and Responsibility: The New Language of Global Ethics and Biolaw

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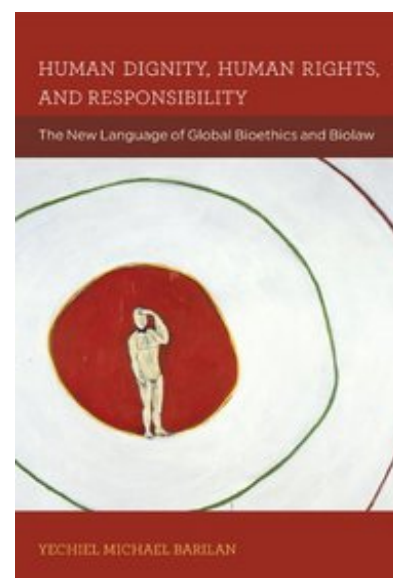
*"Human dignity" has been enshrined in international agreements and national constitutions as a fundamental human right. But it is a term that is intuitively grasped but never clearly defined. In this book, **Michael Barilan** offers a conceptual clarification of human dignity and human rights, relating these ideas to current issues in ethics, law, and bioethics. **Luke McDonagh** admires the author's sincere and thoughtful approach.*



Human Dignity, Human Rights, and Responsibility: The New Language of Global Ethics and Biolaw. Yechiel Michael Barilan. MIT Press. October 2012.

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The collisions that occur between the ideals of human dignity, human rights and scientific/medical research are nearly always fascinating. For instance, a 2011 case decided by the Court of Justice of the European Union, *Oliver Brüstle v Greenpeace*, involved a challenge to the patenting of research which necessarily involved the destruction of human embryos. The court ultimately decided upon a legal definition of 'human embryo' and proceeded to effectively impose this in the field of patent law across the European Union. Suffice to say, many scientists and religious thinkers were up in arms over the decision; interestingly, each set of thinkers tended to disagree with the decision for a different core reason. Some scientists were appalled that the patenting of research could be affected in this way (while some scientists object to patenting of science in the first place), and many religious thinkers simply disagreed with the court's right to make such a 'moral' decision in the first place.





In light of such disputes, there is little doubt that the concepts of human dignity and human rights are two of the most widely debated and contested subjects in academia. Nonetheless, the author of this work, Yechiel Michael Barilan, is not shy about his ambitions in assessing these issues. Barilan is a practising medical doctor, but his interest in human dignity goes far beyond its application in relation to the morality of cloning, stem cell research and the human genome project. He makes clear in the introduction that this book aims to illuminate the concept of human dignity as a 'background moral ethos for human rights'; in fact, he is quite open about the fact that he is seeking to reconstruct human dignity as a moral value.



In his exploration of these issues Barilan refers to a wide range of thinkers over the course of the work, including the Hellenistic stoic philosophers, religious thinkers such as Maimonides, Thomas Aquinas and Lactantius, and finally the enlightenment and post-enlightenment thinkers such as Kant, Marx and Sartre. Perhaps the most insightful part of the book comes at the end of the second chapter, where Barilan maps out 'challenges to the future of human dignity'. In the space of a few pages Barilan neatly outlines the challenges to universal conceptions of morality and dignity provided by Marx, Weber, Durkheim, and Tönnies. Barilan's discussion of respect for the dead, human sexuality and humiliation within the overarching concept of human dignity in chapter 3 is genuinely fascinating. The analysis of Locke's 'right to property' in chapter 4 is also analysed logically and properly referenced.

Overall, it can be said that the work is well written, highly descriptive, and even poetic in parts. Nonetheless,

by saying this I do not mean to solely praise the work, but also to criticise it. To put it bluntly, too many of the sentences in the book are cryptic and elliptical. A case in point is: 'Life is always the default value; it is not necessarily the ultimate value'. Indeed, as one reads on it dawns on the reader that whether he intended it or not, in constructing the book Barilan has ultimately indulged in a work of oblique complexity; with each chapter it becomes more and more difficult to understand exactly what it is Barilan is trying to say.

In truth, I approached the work with some trepidation – in my experience there is a common problem shared by such wide-ranging philosophical works; that is, one person's golden piece of humanist wisdom is another person's empty moral platitude. While the journey of reading the text is certainly stimulating, often times the core argument, which ought to echo throughout the centre of the work, seems out of reach. Unfortunately, Barilan's book proves to be no exception. While it is a highly stimulating and informative read in parts, unfortunately by the end of the book one is inevitably struck yet again by Yeats' maxim that 'the centre cannot hold'. As is the case with Kantian and Rawlsian thought, Barilan's view of morality is weakened by the realisation that a doctrine of when and how people truly 'ought' to be compelled to act morally seems beyond moral philosophers' grasp.

The book is to be praised for its easy style, which enables the reader to breeze through the pages. Barilan's ambitions in writing this text are undoubtedly noble; moreover, he is sincere and thoughtful in his approach. However, in reality the big moral questions posed by Barilan have no easy answers. If the reader approaches the book with a reasonable degree of caution, he or she will find much to like in this book. Nonetheless, if the reader expects Barilan to follow through on his ambitious claims, he or she may well be left disappointed.

Luke McDonagh is a Fellow in the LSE Department of Law. holds a PhD from Queen Mary, University of London (2011), an LLM from the London School of Economics (2006-7) and a BCL degree from NUI, Galway (2002-05). He has previously taught in the areas of Public Law, Administrative Law and EU Law at Queen Mary as well as Constitutional Law and Tort Law at NUI Galway. [Read reviews by Luke.](#)